

Ending a Tenancy Policy

Purpose

This policy explains how a tenancy with St Kilda Community Housing (SCH) can end.

Scope

This policy applies to all residents who live in properties managed or owned by SCH. This policy covers how a resident can end a tenancy with SCH and how SCH can end the tenancy of a resident.

Policy Statement

A tenancy ends when the legal agreement between the resident and SCH ceases to apply to either party.

SCH is committed to sustaining tenancies for as long as the resident wishes. Eviction is only used as a last resort, when all other efforts to sustain the tenancy have failed.

Resident Initiated

Under the provisions of the **Residential Tenancies Act 1997**, residents are obliged to give 2 days' notice to SCH when they wish to leave their tenancy.

Residents do not have to give SCH any reason as to why they want to leave their tenancy.

In addition to giving at least 2 days' notice, residents are also required to:

- Complete an Exit Notice
- Leave the room in a clean condition, with all outstanding repairs or maintenance that are the responsibility of the resident rectified.
- Ensure that all rent is paid up until the exit date.
- Ensure that all keys (including electronic swipe cards and fobs, where applicable) are returned to SCH.

Where the resident has paid rent in advance, SCH will reconcile the resident's rent account and refund any overpayment of rent.

SCH Initiated

SCH may take steps to end a tenancy for the reasons stated in the **Residential Tenancies Act 1997**, including:

- The property has been abandoned by the resident and at least 14 days have passed since the last rent was due. SCH will seek an order of abandonment at VCAT.
- The resident has died.
- The property is to be renovated or demolished.

The resident has been issued with a Notice to Leave for the following reasons:

- Serious damage to the property
- A danger to other residents
- Serious disruption of other residents' peaceful enjoyment
- Non-payment of rent
- Use of their room for illegal purposes.

At all times, SCH will give residents:

- Notice in writing in the appropriate form with the required notice periods as set out in the **Residential Tenancies Act 1997**.

- An opportunity to sustain their tenancy with SCH.

If the resident poses a threat to other residents and staff, an immediate notice to vacate will be issued. A notice to leave can only be issued for serious assault and danger. Where a room has been abandoned, SCH will comply with all legal requirements for goods left behind. See Goods Left Behind Policy.

Eviction

SCH aims to do whatever is reasonable to sustain tenancies. However, this is not always possible, and SCH may take steps to take possession of a property through a possession order at VCAT.

Throughout the legal process and prior to purchasing a Warrant of Possession SCH will consider the potential impact of eviction on the human rights of the resident through the completion of a Human Rights Impact Assessment.

The purpose of this is to ensure:

- SCH has considered the human rights of the resident.
- SCH policies and procedures were followed.
- SCH has followed the provisions of the Residential tenancies Act 1997
- The comparative risks to the resident, their neighbours and the organisation of this decision have been carefully weighed.
- The permission to evict has been granted by the CEO or delegate.
- Eviction is the action of last resort.

Related Policies

Goods Left behind Policy

Rent Management and Hardship Policy

Maintenance and Repairs Policy

Legislation and Standards

Residential Tenancies Act 1997 (Vic)

Housing Registrar Performance Standards for Registered Agencies

Version control

Version No	4.0	Review frequency	3 years
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